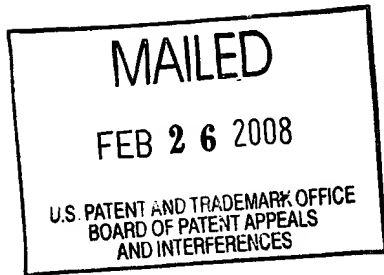


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIKI MORI, MINORU KURIKI, YASUYUKI JINBO,
KIYOTO NAGANUMA and MASAO AIHARA

Application 09/487,265

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 14, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

A review of the file indicates the "RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF" filed December 27, 2006 is defective. The copy of the appealed claims contained in the Appendix to the brief is not correct, since the numbering of the claims are inconsistent (9-14 should be claim 15, 19-10 should

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be 21 and 24-28 should be 29). Clarification and correction of the record is required.

Further, an Information Disclosure Statement (IDS) was filed on July 12, 2007. It is not apparent from the record that the examiner considered the statement submitted or notified applicants of why their submission did not meet the criteria as set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner to:

- 1) hold the Appeal Brief filed on December 27, 2006, defective;
- 2) notify appellant to file a Supplemental Appeal Brief for the "Claims Appendix" as set for the in 37 CFR § 41.37(c)(1)(viii) ;
- 3) consider the Supplemental Appeal Brief and if the Supplemental Appeal Brief is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplemental Appeal Brief;
- 4) for consideration of the Information Disclosure Statements filed July 12, 2007; and

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5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE M. SHAW

Chief Appeals Administrator

(571) 272-9797

DMS/gjh

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